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ABSTRACT

Site-based decisionmaking programs offer important opportunities for school systems; however, the risks involved are significant and the decision to embrace the concept at the local level is a highly complex one. With site-based decisionmaking programs, teachers are directly involved in making decisions that affect the whole school, not merely their individual classrooms. Thinking in both the private sector and in the education community suggests that organizational effectiveness is enhanced when employees responsible for implementing decisions are given some measure of authority in their creation. This publication examines: (1) the history of employee participation programs in America; (2) the use of site-based decisionmaking programs in public education; (3) the potential advantages and disadvantages of employee decisionmaking participation programs for local school districts; (4) the relationship of site-based decisionmaking programs to the collective bargaining process; (5) the legality of site-based employee participation programs; and (6) practical suggestions for deciding when to introduce site-based decisionmaking programs and how to structure them. Also provided are examples of employee participation programs in education from Denver, Seattle, Fairfax County (Virginia), Florida, Iowa, and Indiana. (61 references) (KM)

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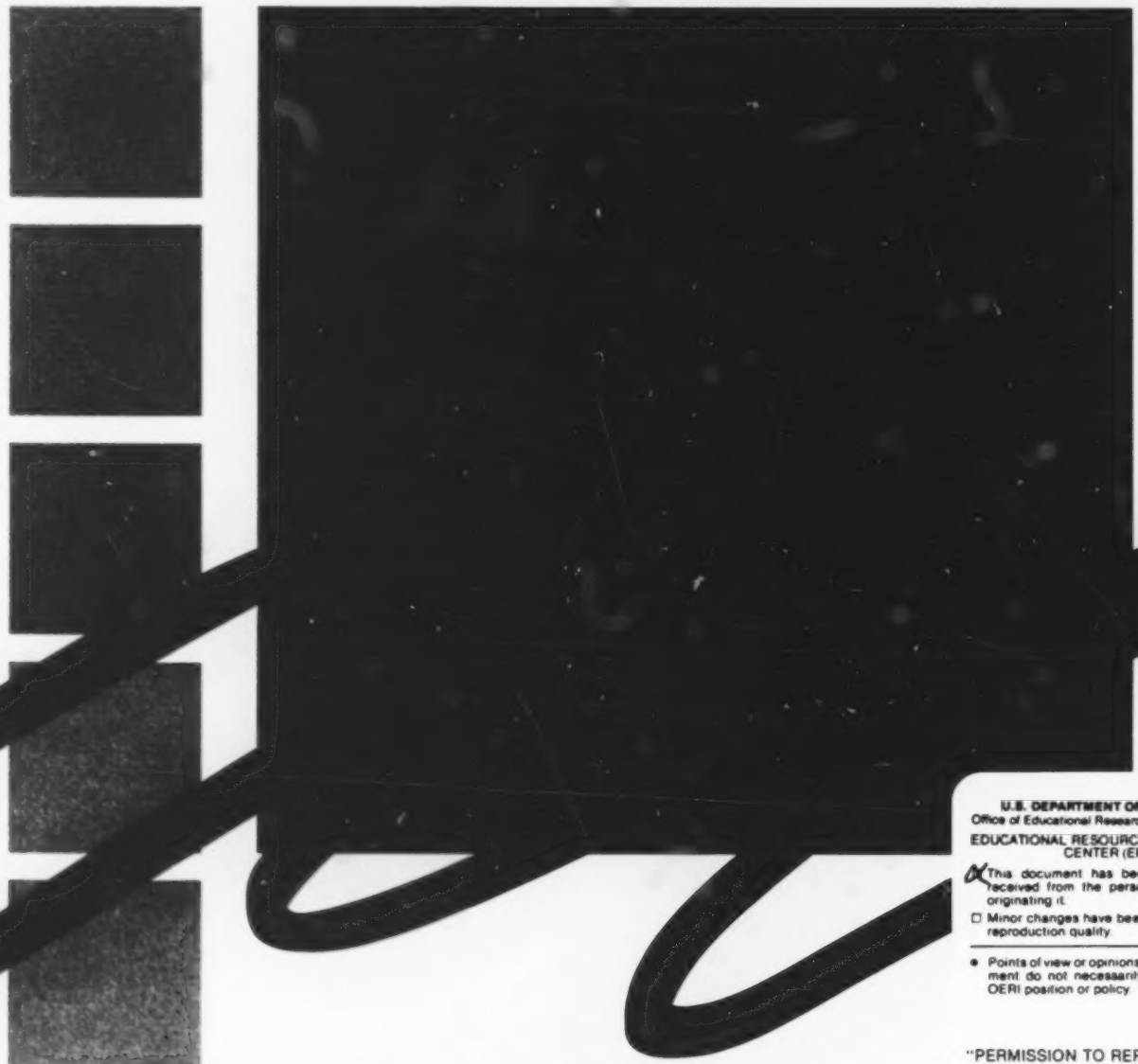
STUDIES IN COLLECTIVE BARGAINING

Employee Participation Programs: Considerations for the School Site



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Foreword

Site-based decision-making programs offer many opportunities for local Associations. However, the risks involved are not insignificant and the decision to embrace the concept at the local level is a highly complex one. Relevant factors to be considered include: the attitudes of the Association's leaders; the attitudes of the school board and the school board's negotiator, the importance of the issue(s) involved; the expense involved; and the appropriateness of participative structures for dealing with particular issues. There are no clear-cut policies on this question. Association leaders and bargainers must weigh the evidence and judge the possible risks and advantages of participative structures for their circumstances.

In this publication, we examine the history of employee participation programs in the United States; the use of employee participation (site-based decision-making programs) in public education; the potential advantages and disadvantages of site-based decision-making programs for local Associations; the relationship of site-based decision-making programs to the collective bargaining process; the legality of site-based decision-making programs; and practical suggestions for deciding when to introduce site-based decision-making programs and how to structure them.

Several examples of site-based decision-making efforts are provided in the text. These efforts are intended to serve *only* as representative examples of the kinds of participative structures we are beginning to see in public education. It is for this reason that a discussion of the early stages of an AFT effort in Indiana was included in this text. The examples contained herein should in no way be seen as a complete or even a comprehensive guide to existing site-based decision-making efforts. Eventually, we hope to publish a more exhaustive compendium of site-based decision-making programs to be used as a resource for local Associations. Any individual or any group that wishes to have their program included in such a compendium is encouraged to send a description to NEA Research, Attention: Site-Based Decision-Making Work Group.

Because U.S. public education's experience with employee participation efforts is still in its infancy, we have also turned to the private and noneducation public sector experience with employee participation to help us assess the potential risks and benefits these programs hold for local Associations. Both within education and outside of education, employee participation programs are known by many labels. With minor exceptions, we have used the term *site-based decision-making program* to designate participative efforts in education. For programs in private and noneducation public settings, we have used the term *employee participation program.* Where the discussion of these efforts in both education and the private sector is conflated, the term *employee participation program* is used to apply to both.

Questions about this publication should be directed to NEA Research.

February 1988

Introduction

The convergence of the education reform movement and private sector experimentation with alternative forms of work organization has generated intense interest in site-based decision making in the educational community. With site-based decision-making programs, teachers are directly involved in making decisions that affect the whole school, not merely their individual classrooms. Thinking in both the private sector and the education community suggests that organizational effectiveness is enhanced when the employees responsible for implementing decisions are given some measure of authority in their creation. Principle Five of NEA's Nine Principles underscores this point:

> Authority must be vested in the local school faculty. *Key decisions about teaching and learning should be made by those closest to the students and the community, not by large bureaucracies whose assembly-line approach diminishes expectations of students and teachers.*

The involvement of teachers in decision making at the school site signals far more than an increase in their individual and collective authority. Site-based decision-making programs encourage collegiality, reducing the isolation that teachers so often experience. As a result of better communication, school goals and objectives become more clearly defined, become more coherent, and become more widely shared among individual faculty members. Additionally, better communication among teachers fosters the collegial exchange of ideas and information so necessary for effective professional practice.

Empirical and conceptual support for site-based decision-making programs can be found in the research on effective schools. In the 1970s, researchers attempting to unravel the mystery behind widely disparate results in federally funded programs for educational change discovered school organization to be a major factor in educational effectiveness. In effective schools, a high degree of individual discretion is coupled with well-defined goals and clear expectations. Faculty as well as principals contribute to the establishment of school goals and priorities. Clear lines of communication exist among teachers and between teachers and administrators.

Few in the educational community would disagree that increased opportunities for collegial interaction and faculty involvement in building-level decision making improve the educational process. However, some member advocates do perceive site-based decision-making programs as potentially threatening to the collective bargaining process. As a result, the professional and educational benefits to be derived from such programs are shunted aside in favor of protecting the benefits to be derived from a strong collective bargaining process. This would make sense if site-based decision-making programs were *necessarily* opposed to collective bargaining. This is not the case, however. As examples of successful programs attest, site-based decision-making programs offer a unique opportunity to integrate the traditional collective bargaining concerns of teachers with their

professional interests. Through collective bargaining, teachers can secure a part in decision-making roles at the building level. Conversely, through their involvement in decision making at the building level, teachers can secure more comprehensive contracts.

Because of the inordinate influence of U.S. industry and industrial unions on the theory and practice of collective bargaining, a false tension has been created between bargaining and professionalism. As a result, many practitioners view anything falling outside of contract negotiations and contract enforcement as threatening to the bargaining process. However, professional work is distinguished from nonprofessional work by the high degree of discretion individual practitioners have with respect to their work. This condition of work has important and largely unexplored implications for bargaining. As Eliot Freidson, an eminent authority on professions in the United States, notes:

...it is precisely at least partial success in withholding that prerogative [the determination, control, and evaluation of the work to be done] from management and in sustaining the cognitive authority to exercise it themselves that distinguish the professions from other forms of labor in the United States today. To my mind, it is the essence of professionalisim, to be treasured and expanded rather than to be deprecated and cast away. This means that if professionalism is to guide the tactics of collective bargaining, the prime goal should be to win greater opportunity for

professionals to choose and control their own work, and greater influence by practitioners on the allocation of the resources that limit the work they can do. (Freidson, 1987).

Beyond the difficulty in reconciling traditional collective bargaining with the context of professional work, local Associations must confront some potentially thorny labor relations issues. A growing number of managers, employees, and union officials in both the private and public sectors view employee participation programs as a cure for the ills of the American workplace. Alienation, low productivity, and poor product quality are frequently mentioned in this regard. Critics maintain, however, that participative programs are often introduced with more of an emphasis on increased profits or lowered costs than on increased satisfaction.

To a large extent, some labor organizations' resistance to the concept of employee participation has its basis in the problems they have already encountered with such efforts. Hidden managerial agendas, severely limited opportunities for employee decision-making (the trappings but not the substance of participation), and inadequate resources to support program efforts are among the barriers to success that have historically plagued participative efforts.

Yet, in many instances, programs fail because participants are unaware of the conditions demanded by participative efforts. The requirements of traditional collective bargaining are separate and distinct from the requirements of employee participation programs. The latter demand something new:

- They demand knowledge of organizational dynamics.
- They demand new organizational cultures.
- They demand new technical knowledge.
- They demand new roles for members.
- They demand the expansion of the concept of member advocacy.
- They demand new decision-making structures.
- They demand new attitudes.

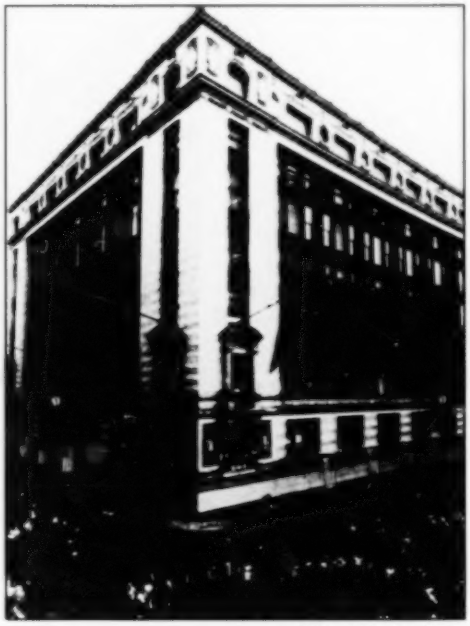
If participative programs are to be successful, local Associations must be cognizant of their potential pitfalls, advantages, and structural requirements. In the following pages, employee participation programs are considered in historical, theoretical, and practical terms. It is our hope that the information contained herein can provide Association leaders and bargainers with the knowledge required to arrive at policies appropriate for their individual situations.

Employee Participation: An Historical Note

The United States has had almost 90 years of experience with various forms of employee participation. One of the first known programs began in 1898 when employee representatives of Filene's department store in Boston were given control of the cafeteria and some employee funds. Fifteen years later, the Packard Piano Company adopted a plan that called for a house of representatives to represent workers, a senate to represent foremen, and a cabinet to represent top management. In order for a proposal to be sanctioned, it had to pass all three houses (Frieden, 1980).

During World War I, the National War Labor Board encouraged the development of shop committees and works councils to improve productivity. Between 1918 and 1919, 225 shop committees were set up in 176 companies employing a total of 450,000 workers. While many plans were abandoned after World War I, the 1920s witnessed the rapid spread of shop committees and other employee representation plans through such industries as railroads, printing trades, upholstery, carpet weaving, hats and caps, glass, clothing, textiles, and construction. At its 1926 convention, the American Federation of Labor endorsed these cooperative efforts found among its affiliated unions (Cohen-Rosenthal and Burton, 1987).

Shop committees declined in importance during the 1930s, only to spread throughout American industry during World War II. Approximately 5,000 labor-management committees were set up in factories, mines, and shipyards employing over seven million workers. Committees discussed productivity schedules, product design, maintenance, and labor issues such as child care, car pools, training, health and safety, and absenteeism. The critical shortage of labor coupled with wartime demand encouraged committees to consider the question of worker satisfaction. The labor surplus at the war's end and slackening product demand led to a reversal of the trend toward participation (De Schweinitz, 1949).



Filene's Boston Store

Beginning in the early 1970s, a new wave of worker participation efforts swept the U.S. *Unlike earlier efforts in which workers were represented by other workers, contemporary efforts involve workers directly in decision making.* U.S. workplaces have been witness to an explosion of new forms of work organization. Program names include: Quality of Work Life (QWL); Quality Circles (QC); Industrial Democracy (ID); Organizational Development (OD); Employee Involvement (EI); Labor-Management Participation

Teams (LMPT); Workplace Participation (WP); Co-determination; Socio-Technical Systems (STS); and Relations by Objective (RBO).

The work organization reform efforts of recent years are in part a response to two principal concerns of American managers. First, they represent a response to the frightening degree of employee dissatisfaction that marks the 1970s and 1980s. Both the lack of control employees experienced with respect to their jobs and the lack of intrinsic meaning the jobs held for them were chief among the causes of dissatisfaction. *Work in America*, a landmark study conducted under HEW auspices in the early 1970s, indicated that the need to do meaningful work was ranked very highly by American workers (U.S. Department of Health, Education, and Welfare, 1973). Employee participation programs, which encourage employee input and decision making, were seen as a means to eliminate the roots of alienation.

Somewhat related to this, employee participation has been seen by many managers as a vital means to reverse the financial decline many companies have experienced as a result of shifting markets and heightened competition. New forms of work organization permit companies greater flexibility in dealing with rapid product and production changes. Additionally, they hold out the promise of increased productivity and more effective use of human resources.

According to U.S. Department of Labor information, over 35 AFL-CIO unions in both the public and private sectors, the International Brotherhood of Teamsters, and affiliates of the National Education Association are involved in employee participation efforts (U.S. Department of Labor, 1983). The number of companies with participative programs is already large. Programs exist in industries as diverse as auto, steel, concrete, wood, paper, defense, textiles, mining, and food processing. A 1982 New York Stock Exchange study revealed that 44 percent of U.S. companies with more than 500 employees had quality circle programs. Almost 75 percent of the companies surveyed had started their programs after 1980. At least one-third of the Fortune 500 companies have QC programs somewhere in their structures.

In the public sector, participative programs currently involve police, firefighters, sanitation workers, bus drivers, teachers, and education support personnel. The diffusion of employee participation programs in the public sector has been somewhat slower than in the private sector. In recent years, however, both a dwindling resource base and concern with the efficient and effective delivery of services have been major forces behind the introduction of numerous employee participation programs in state and local governments.

Employee Participation Programs in Education

Although some aspects of employee participation programs in education have their roots in private sector philosophies and practices, the concept's history in education is distinct enough to be accorded separate treatment. The first gleanings of faculty involvement in decision making are found in the lab schools that came out of Dewey's Progressive Movement. The schools' affiliation with university education departments encouraged innovations in curriculum, pedagogy, and school organizations. Collegiality, which fostered the transmission of knowledge among teachers and promoted innovation, was a distinguishing characteristic of lab school organization. Lab schools had an important impact on university educators and educational researchers. Their influence on mainstream school organization was considerably less.

The first serious cracks in public education's bureaucratic armor appeared in the 1940s with a wave of attempts by administrators to involve faculty in the decision making process of individual schools. These efforts were in part a product of the early human relations movement in American management.

In contrast to coercive or authoritarian management styles, the human relations school emphasized the cooperative nature of organizations and the role of management in fostering cooperation among a firm's employees. Elton Mayo and Chester Barnard are widely considered the movement's philosophical founders. Because their work colored so much of the thinking of the human relations school at the time of its introduction in educational administration, we will take a brief look at it.

As a result of some startling outcomes generated by experiments conducted at Western Electric's Hawthorne, Massachusetts, plant in the late 1920s, Elton Mayo broke decisively with Frederick Taylor's management model. The latter had dominated management thinking in both industry and the public schools for well over a decade. Unlike Taylor's management model, which relied heavily on the concept of the wage-maximizing individual, Mayo emphasized the individual worker's desire for acceptance by his or her peers, the role of sentiment, and the instinct of human association. Management's role in Mayo's model was to provide an environment in which workers could fulfill their natural desire for cooperation (Perrow, 1979).

Coming at the same problem from a different angle, Chester Barnard viewed organizations as cooperative, not coercive systems. In Barnard's perspective, subordinates granted superiors the authority to make decisions. Securing the consent of subordinates to be managed was thus a vital part of management's responsibility. Like Mayo, Barnard saw informal groups as critical to the functioning of formal organizations. Informal groups played an important role in intraorganizational communication and in encouraging organizational cohesiveness.

At the time the human relations movement first touched education some ten years after its acceptance in the private sector, public schools had had about thirty years of scientific management concepts and practices. Rigid, authoritarian structures and highly formalized control systems characterized management in many of the nation's public schools. The human relations movement had a softening influence on these structures. The ideas found visible expression in faculty advisory committees

as well as in a host of informal mechanisms designed to diminish the social and emotional distance between teachers and administrators.

The creations of the early human relations movement such as faculty advisory committees are still to be found in schools today. Despite the change in managerial emphasis, however, the early human relations movement in education (as in the private sector) often had the trappings but not the substance of faculty involvement in decision making. *Its predominant emphasis was consultation, not participation.* Management continued to have sole responsibility for directing school operations. What the early human relations approach did was to raise managerial consciousness about the importance of the work culture and informal groups. It focused on the nonrational informal aspects of the organization while scientific management focused on the rational, formal aspects of the organization. However, the emphasis of both perspectives was the control of employee behavior and not the transformation of school organization.

What distinguishes earlier attempts at faculty involvement in decision making from many contemporary efforts is the latter's emphasis on *direct participation.* While most of the site-based participation programs in public education date from the early 1980s, there are notable exceptions. During the 1960s, the Wisconsin Research and Development Center for Cognitive Learning at the University of Wisconsin introduced Research and Instruction Units into several public schools. According to project literature:

> *The essence of the Research and Instruction Unit is the reorganization of the school. New relationships are established among central staff members, subject matter consultants, building principals, teachers, and noncertified personnel (Smith and Klausmeier, 1967)*

School personnel cooperated with Research and Development Center staff to design programs that were appropriate for their schools. Within schools, Research and Instruction Unit members relied on teamwork among themselves to develop both an improved instructional program and the continued improvement of the program (Smith and Klausmeier, 1967).

Current school-based improvement efforts have been given their impetus by private sector workplace initiatives, the re-

search on effective schools, and declining public confidence in education. Mounting external and internal pressures for change have forced many within the educational community to address the inadequacies of the organization of the learning workplace. Chief among these is the faculty's lack of involvement in the decisions that affect their working lives.

In *The Conditions and Resources of Teaching*, a 1985 national survey conducted by the National Education Association, teachers were asked about their involvement in decision making in the school buildings. Those surveyed were asked nineteen questions, covering four major areas. These included: teachers' own assignments, instructional issues, student-related policies, and general school policies. On only one question—How to teach—Did at least half of the teachers surveyed feel that their participation in decision making was adequate. Insufficient opportunity for teachers to make decisions combined with severe resource problems at the school site creates an unhealthy working environment.

According to research conducted by John Goodlad and his colleagues, the degree of staff cohesiveness and the nature of problem-solving and decision-making climates within the schools were highly related to teacher satisfaction. Conversely, interpersonal conflicts and inadequate resources, in part a function of faculty input, were chief among the reasons why teachers chose to leave their jobs.

The idea that teachers' job satisfaction is directly related to their relationships with their colleagues and administrators is not a new one. In the 1950s, a number of studies were conducted in the United States linking teacher morale to these factors (NEA Research, 1964). What is relatively recent is the recognition that *the organizational conditions that engender greater satisfaction among teachers also contribute to the educational process* (Dembo and Gibson, 1985; Rosenholtz, 1985; Wynne, 1981; Little, 1982). Goodlad and his colleagues found strong evidence of a relationship between the quality of the school and classroom environment and the quality of education.

Examples of some programs designed to more directly involve teachers in decision making are described below. Programs in public education are most often concerned with one or more of the following: increasing opportunities for collegial interaction, improving teacher-administrator communication, and giving school faculties an opportunity to participate in making decisions that affect the school as a whole.

1. Denver, Colorado

In 1967, the Denver Classroom Teachers Association and the Denver Public Schools established a comprehensive building-level committee program. The parties' collective bargaining agreement sets forth

the program's philosophy, committee composition, election rules, and release time for committee members. In addition, the agreement suggests areas of common concern to both labor and management (Dunlop, 1986).

2. Seattle, Washington

For the past several years, Seattle teachers have had an active Employee Involvement program. According to Seattle Education Association (SEA) President Carol Reed, the program was started in part because the local Association found itself spending an inordinate amount of time putting out fires. The Employee Involvement program represented a means by which people in the buildings could effectively deal with their problems on their own and thus free the local Association staff and leadership for more positive and productive activities.

In the first phase of the program, SEA and the district negotiated a provision whereby individual teachers would receive $250 to be used toward the purchase of educational supplies or materials.

A second component of the program concerned special educational projects. SEA and the district negotiated a sum of money to be used for this purpose at each school site. Through the special projects program, faculty at the schools conduct additional programs for additional compensation. Individual projects are approved by elected groups of faculty at the school sites. With salaries decided at the state level, the special projects program is one means by which teacher compensation can be enhanced.

More recently, as a result of negotiations with SEA, the district earmarked $3 million to help at-risk children. Monies are distributed to individual schools by a weighted formula in which schools with a high proportion of special needs students receive a disproportionate amount of available funds. Depending upon the size of the school, decisions regarding the disbursement of funds are made either by elected faculty representatives at the school site or by the whole faculty. For the most part, the funds are used to pay the salaries of additional faculty (a school psychologist and school nurse are examples of additional faculty hired under this program). When funds are insufficient to hire additional faculty, educational materials geared to the needs of at-risk children may be purchased.

Finally, ten schools in the Seattle district currently have institutional building-based management programs. An additional seven schools are slated to join their ranks next year. In these schools, faculty make decisions about the curriculum, the monitoring of classes, how to best meet the needs of at-risk students, and school discipline policies—to name some of the areas of decision making. Principals serve as facilitators.

All areas of Seattle's Employee Involvement program are covered by contract language. Without good contract language, it is conceivable that programs can be changed or abrogated without consultation. Carol Reed's comment on quality circles is instructive in this regard:

If an innovation like that is to last, you have to build it into the structure of employer-employee relations—through a collective bargaining contract, if that's what the members decide they want (Needham, 1987).

3. Fairfax County

Faculty/Staff Advisory Councils in Virginia's Fairfax County provide a line of communication between program managers and staff. Composed of three to seven

members elected by secret ballot, the Advisory Councils meet a minimum of four times a year (Dunlop, 1986).

4. Teamwork Approach to Better Schools (TABS)

With help from the NEA-IPD cooperative grant program, in 1985 the Orange County Classroom Teachers Association (OCCTA) in Orange County, Florida, created a formative assistance program in five schools. Called the Teamwork Approach to Better Schools (TABS), the program is designed to foster the establishment of formalized teacher support networks within the district.

In the first year, teams were established in five schools (a high school, two elementary schools, a junior high school, and a vocational school). To facilitate team building, the volunteers chosen to become team members received two days of training in which literature on effective schools, quality circles, and cooperative learning was reviewed. Teams went back to their respective schools and over the succeeding five months hammered out the operating details of individual programs, which included such diverse foci as the curriculum and school discipline.

After one year, TABS teams report the following changes in school buildings: reduction of teacher isolation, increased communication, learning expansion; smoother student transitions between elementary school, junior high school, and high school; and improved grades and student behavior. In the coming months, TABS is likely to expand to include more schools and to involve more teachers within each school (NEA-IPD, 1986).

The Orange County program is not covered in the collective bargaining agreement. Strong support from Orange County's assistant superintendent has rendered contract coverage unnecessary up to this point. The program has resulted in contract improvements, however. According to Orange County's UniServ Director John Robinson, the Association has been able to expand the scope of negotiations as a result of the more positive climate that exists between the district and the Association.

In Knox County and Giles County, Tennessee, school site committees composed of the principal and several faculty representatives consider improvements in

such areas as in-service plans, the curriculum, discipline policies, the physical plant, and other items of interest.

At one of the two local Associations in Louisiana with a TABS program, a committee of faculty volunteers has attempted dramatic improvements in a school's playground facilities. The committee has enlisted support from the local government, the school board, and the business community. Thus far, the committee's efforts have been rewarded with improved soil drainage and a new soccer field.

From the perspective of the Association, one significant outcome has been the growing interest of nonmembers and previously inactive members in the Association. While more research is clearly necessary, it does appear that the building level programs have led to membership growth and greater membership involvement. Additionally, the programs have given the Association high visibility and direct input in the day-to-day concerns of teachers.

5. Mastery in Learning Project

The NEA's Mastery in Learning Project (MILP) offers one of the best examples of Association involvement in teachers' day-to-day activities. Started in 1985 with six pilot schools in five states, the Project has expanded to include twenty-seven schools in nineteen states. Briefly, the Mastery in Learning Project is a school-based program designed to encourage mastery in learning, teaching, and curriculum.

- Mastery in Learning implies the facility and confidence, judgment and strength, and command of knowledge and skills achieved through education.
- Mastery in Teaching means going beyond mechanistic rote schooling. It means cultivating higher order thinking, particularly the abilities to analyze, critique, and synthesize.
- A curriculum that encourages mastery helps students see interrelationships across themes, issues, and subjects.

MILP seeks to encourage mastery through faculty involvement in decision making. According to Robert McClure, the Project's director:

Teachers, parents, students, and the public are losing the feeling of ownership of schools. The Mastery in Learning Project can reverse that unfortunate trend by empowering teachers and others at the school to use research knowledge to make choices for what's best for children.

Both the accurate description of conditions at the school level and the diagnosis of problems are critically important for goal setting and the design of effective building level programs. MILP schools have an advantage over many other programs in this respect. Before actually implementing a program, administrators and staff in the targeted schools complete a School Profile and Faculty Inventory, instruments special-

ly developed by MILP staff to provide accurate descriptions and needs assessments for project participants.

The Faculty Inventory relies on a comprehensive survey instrument to produce focused information on teaching and learning conditions at the building level. Four structured activities help faculty members identify their similarities and differences, as well as their priorities and aspirations. The Faculty Inventory begins the process of building collegiality and initiating Project goal setting.

The School Profile describes the school on the day the project begins. Information contained in the School Profile is derived from structured interviews with representative students, teachers, principals and other site-based administrators, parents, and central office staff. Profiles are organized around four basic foci: Teachers and Teaching, Students and Learning, Curriculum, and School/Faculty. Profiles present overviews of school programs, resources, and organizations to education employees, administrators, and community members.

One of MILP's most important features is bringing the fruits of educational research to educational practice. In implementing Project goals, participants can draw on the knowledge and experience of site-based consultants, a network of regional labs and education research institutions, a computer database (Teaching Resources and Knowledge/TRaK), and Project staff.

According to Project staff, responses from individual schools have been more than encouraging thus far. MILP has produced changes in teacher and administrator attitudes, stimulated the use of the research base for teaching, and opened up teacher-teacher, teacher-administrator networks. Individual schools are now in the process of formally documenting the nature of changes taking place.

6. Des Moines, Iowa

One of the more ambitious employee participation programs in public education is located on the campuses of the Des Moines Area Community College (DMACC). In 1982, DMACC management administered the General Motors Quality of Work Life survey to DMACC employees. Survey results showed that almost two-thirds of DMACC employees were unhappy with their jobs.

To remedy what was perceived as a widespread problem, DMACC management implemented a quality circle program. Seven circles were started in 1983. In the spring of 1985, 17 circles were in existence on DMACC's campuses. Circle members include faculty, classified staff, and first line supervisors.

Out of 25 presentations made to management by circle representatives between October 1983 and December 1985, 16 were approved, three were rejected, and six required no decision from management. Half of the presentations made to management resulted in improved services to students. Others have contributed to improving services to staff and improving work-site conditions.

Group problem-solving activities have improved communication within work groups and between departments; increased understanding of institutional policies and procedures; encouraged participation in the decision making process; increased employee skill in problem solving; and improved relationships between circle employees and management.

At the top of the quality circle program is the steering committee composed of top level management, Association leaders, and the quality circle facilitator, who is also selected by the committee. In addition to selecting the facilitator, the steering committee approves a budget and monitors circle expansion and training. The facilitator promotes the program, provides training in problem-solving techniques, and works with circle members and circle leaders. The facilitator is the primary conduit of infor-

mation between circles and the steering committee, and the liaison between individual circles and their respective managers.

In addition to quality circles, the DMACC program includes verteams. Verteams are ad hoc committees made up of employees from all levels of the organization. Unlike quality circles, the specific problems they address are identified by management. And, unlike quality circles, which are advisory, verteams have the power to make decisions. Members are trained by the union facilitator. After dealing with the individual problems they have been formed to address, verteams disband.

To minimize conflict and maximize effectiveness, DMACC's employee participation program is governed by a fairly elaborate set of bylaws that spell out the program's purpose, policy, objectives, and organization (Israel et al., 1986).

7. Ventures in Good Schooling

Ventures in Good Schooling is the product of a joint effort between the National Education Association and the National Association of Secondary School Principals (1986). Although not an actual program, *Ventures* provides us with a cooperative model for secondary schools and so is presented here. The general guidelines contained in this document have relevance for all cooperative efforts in public education.

According to the NEA/NASSP Task Force that produced the document, the focus of education reform must be the individual school. The Task Force further indicates that the improvement of education depends upon decisions and actions at the school site. In good schools, staff members develop and utilize shared goals and have high expectations for instructional outcomes. Management practices in such environments encourage staff members to improve their professional skills.

In good schools, principals encourage faculty decision making. Ample opportunity is provided for teachers to plan programs, to refine and develop the curriculum, and to meet and discuss program implementation. Decision making at the school site is the heart of the cooperative model presented in Ventures. As the report states:

The NEA and NASSP remain committed to the principle that substantial decision-making authority at the school site is the essential prerequisite for quality instruction.

8. Hammond, Indiana

Following the success of three site-based management efforts, in 1985 the Hammond Teachers Federation and the school district negotiated contract language, outlining the authority and procedures for a citywide School Improvement Process (SIP).

Decisions once made by the district's central office are now being turned over to individual schools. School site committees composed of teachers, administrators, and community representatives now make critical decisions affecting school operations. If they choose, SIP committees can decide on the disbursement of funds received by each school instead of allowing the building administration to have unilateral discretion in this matter (McPike, 1987).

The Hammond program has strengthened rather than weakened collective bargaining in the district. According to Patrick O'Rourke, the president of the Hammond Teachers Federation:

The SIP process we've put together, since it is decentralized decision making, makes it possible for more teachers to exercise their judgment as to what they think is best for themselves and their school, while still retaining the strength that can only come through a master contract. Don't forget, this is not a rejection or a weakening of collective bargaining, but rather an expansion. We negotiated language in our master contract—which was overwhelmingly ratified by teachers—that sets forth the purpose and procedures of SIP. In so doing, we have indirectly but quite dramatically expanded the scope of what is bargainable (McPike, 1987).

In the event that a school-based decision conflicts with a school board policy, a systemwide review council composed of teachers, administrators, parents, and community representatives meets to see if the SIP proposal can be accepted. When a SIP proposal constitutes a violation of state law and the SIP committee is convinced the proposal will result in increased educational effectiveness, the district has promised it will attempt to get a waiver from the state to allow the proposal to be implemented (McPike, 1987).

9. Program Possibilities

The examples presented above by no means exhaust all possible forms of labor-management cooperation in public education. With respect to scope, programs might address issues related to the school curriculum, textbook selection, school grading policies, and opportunities for professional development. Programs can be structured formally or informally. They may be governed by the collective bargaining agreement or past practice. Labor-management structures may be purely advisory in nature or have some decision making responsibility.

As a general comment, employee participation programs in education hold out the promise of improving instruction. Their continued acceptance depends in large measure on their ability to fulfill this goal. For teachers, the potential gains in job satisfaction and empowerment are enormous. In a larger sense, the success of individual efforts affords all teachers the possibility of meeting some of the more pernicious top-down reform proposals with demonstrably successful site-based alternatives.

Success depends upon local development and local input. Those structures best suited to the individual district or individual school should be developed by representatives from the local Association and management. What works in one district or one school may not work in another district or school. Great attention should be paid to the prevailing style of management and member needs in setting up a program. Experience has shown that the success of a program is related to the structure governing it and the appropriateness of that structure for a particular environment.

Employee Participation and Collective Bargaining

One of the most controversial aspects of employee participation programs in organized settings is the relationship of such programs to the collective bargaining process. In this section, we examine the experiences and philosophies of private sector unions on this subject.

In theory, the structures of employee participation and the collective bargaining process are separate, but complementary. The Statement of Principles on Quality of Work Life issued by the Joint CWA/AT&T National Committee states:

QWL efforts must be viewed as a supplement to the collective bargaining process. The integrity of the collective bargaining process, the contractual right of the parties and the working of the grievance procedure must be upheld and maintained.

Glen Watts, CWA's former president, emphasizes:

Collective bargaining and the grievance process are off limits for QWL; worker participation is a separate process (Watts, 1984).

The *EI Handbook II* distributed by the UAW-Ford National Joint Committee on Employee Involvement quite plainly says:

Right up front we should affirm that EI and collective bargaining matters are separate. If EI Teams raise issues that fall within collective bargaining, the Team leader can pass those on to the responsible supervisor or committee person.

In the view of the International Association of Machinists and Aerospace Workers,

QWL programs are not meant to be used as a substitute for portions of the collective bargaining agreement (IAM, 1984).

According to the United Rubber Workers' 1982 Collective Bargaining Policy handbook,

Make sure that the QWL program does not enter into any area of the collective bargaining agreement. Get solid language to insure against this possibility. This is a good reason why union stewards should be involved in the program (URW, 1984).

Despite the strong statements to the contrary, *in practical terms, considerable ambiguity exists about the precise relationship between collective bargaining and employee participation programs.* A recent examination of the U.S. Department of Labor compendium of employee participation programs, the *Resource Guide to Labor-Management Cooperation,* revealed that approximately 50 percent of the programs listed dealt with mandatory subjects of bargaining. Over 25 percent of programs for which information was available dealt with these subjects even though they were excluded under program guidelines (Parker, 1985).

When an employee participation program is present, there is a tendency for it to stray beyond its original bounds. In attempting to sustain employees' interest in the program, managers and union facilitators may enter areas covered by the contract. In the event that this occurs, there is the possibility that critical labor relations issues can be transferred from the collective bargaining arena, in which unions have legal rights to the arena of labor-management participation, in which unions have no legal rights.

There is also the possibility that employee participation programs have a constraining influence on the scope of bargaining. Mike Parker, UAW activist and noted QWL analyst, comments:

The areas turned over to QWL are the ones on the cutting edge of labor relations—introduction of technology, work rules, work methods, and even the product or service produced. By allowing the collective bargaining role to be narrowly defined as negotiations for a contract every few years and enforcing the hard rules in contracts which have fewer and fewer hard rules, unions make themselves irrelevant to the concerns of their members (Parker, 1985).

Not all union leaders agree that employee participation weakens bargaining. As John Carmichael, a retired administrative officer of the Twin Cities Newspaper Guild, and Marilyn Taylor, assistant administrative officer of the Twin Cities Newspaper Guild, put it:

We maintain that it [worker participation] is not just a supplement to the collective bargaining process, but a part of it. Through worker participation, we have increased and bettered communication between workers and management, solved problems, introduced innovations, and built a structure that is flexible enough to weather trauma but solid enough to last. Those certainly are aspects of collective bargaining (Carmichael and Taylor, 1984).

For the Communication Workers of America, worker participation has been a useful vehicle for effecting the goals of collective bargaining. Through the intersection of worker participation and collective bargaining, CWA has been able to address such issues as technological change, continuous education, and employment security. In the words of CWA's president, Morton Bahr:

CWA is committed to a cooperative approach to decision making. We see joint action as a powerful and effective tool in these days of rapid changes in technology, shifting social conditions, and uncertain economic prospects. We stand ready to move ahead with companies and managers who share our vision of workplace democracy and mutual respect for each of our organizational needs (Bahr, 1987).

Employee participation programs do have the potential to redefine the role of collective bargaining. Rather than producing rigid organizational systems and well-defined rules for labor-management relations, collective bargaining can, under certain circumstances, become a vehicle to initiate a forum for change and communication between labor and management. As R. I. Kilroy, president of the Transportation Communications Union, told a Railroad Personnel Association annual meeting several years ago:

Through the use of the collective bargaining tool, we feel we can set the stage for success in the use of Quality of Work Life programs. We want to help and to participate, but only if we can know and trust our partners. Again, this means coming to an agreement through the bargaining process. Agreements that clearly spell out the formation of such committees, their purpose, their duration, methods of evaluation, and if successful, how the rewards of that success will be shared by the parties involved (Kilroy, 1984).

The Potential Benefits of Employee Participation

Site-based decision-making programs can serve as an important adjunct to the collective bargaining process. Such programs have the potential to provide local Associations with a mechanism to address issues affecting their members that by statute, custom, or historical accident lay beyond the reach of collective bargaining or grievance processes.

The potential usefulness of employee participation programs in member advocacy has already been recognized by the AFL-CIO. In 1985, the AFL-CIO Committee on the Evolution of Work—composed of 18 international union presidents and officials from eight AFL-CIO trade departments, representing every segment of the labor movement—released *The Changing Situation of Workers and Their Unions.* In this report, the Committee stated:

> *Many workers, while supporting the concept of organization, wish to forward their interests in ways other than what they view as the traditional form of union representation which is, in their view, an adversarial collective bargaining relationship.... There is a particular insistence voiced by workers, union and non-union alike, to have a say in the "how, why and wherefore" of their work. These needs and desires are being met in some cases by union-management programs affording greater worker participation in the decision-making process at the workplace. Several unions have developed such programs and report a positive membership response. The labor movement should seek to accelerate this movement (AFL-CIO, 1985).*

Site-based decision-making programs address issues related to job satisfaction and effective performance that either are not addressed or are precluded from being addressed in the collective bargaining agreement. The employee rights established and protected through the collective bargaining process have not to date included the right to do meaningful work, the right to have adequate resources to perform one's job effectively, and the right to participate in the decision-making process around one's job.

For the professional employee, these rights are even more critical to secure than among blue collar workers. The exercise of professional discretion is empty without adequate resources or input in the establishment of school goals and objectives. This is the meaning of professional empowerment. Having the technical ability to perform certain tasks means little unless both the resource and program requirements to support those skills can be met at the school site. A direct relationship exists between professional empowerment and educational effectiveness.

Site-based decision-making programs foster collegiality. They encourage the sharing of professional knowledge among teachers. In this way, they make more effective use of the collective knowledge found in each school. NEA's Principle Five notes:

> *The legitimate interests of the public are best served by the approaches identified in the effective schools research. These approaches include providing time and resources for the school faculty to plan for instructional improvement and change and professionals working collaboratively to*

share knowledge, to improve professional practice, and to reduce individual isolation of teachers.

In this instance, increased educational effectiveness is a direct function of the reduction of teacher isolation.

Site-based decision-making programs permit more frequent communication between the faculty and the administration than does collective bargaining taken by itself. Participative programs encourage *ongoing* discussion between labor and management about the needs of employees, the resources required to meet those needs, and the nature of organizational impediments to effective functioning. Collective negotiations, on the other hand, occur only once a year or once every several years. The grievance procedure, which is ongoing, is designed to deal only with contract violations and not with proactive issues.

Site-based decision-making programs involve employees directly in making decisions that affect their working lives and communicating their needs and suggestions to management. This has the potential to make employees more active in their Association, provided the Association maintains a strong presence in the participative program. There is support for this in the private sector. In a study of five organizations in manufacturing, utilities, and publishing, Professor Anil Verma found that:

...EI [Employee Involvement] programs generally have positive outcomes for the union when the union is a joint sponsor of the program. In contrast, when the union remains uninvolved, there appears to be a negative selection effect in that workers less interested in union activity appear to volunteer for such programs.

With respect to collective bargaining, it is possible that site-based decision-making programs may function to constrain the scope of bargaining. However, our examples indicate that site-based decision-making programs can also expand the scope of bargaining. In the case of emotionally charged subjects, site-based teams may provide the only channel of communication initially open to the local Association. Depending on the outcome of informal discussions, these subjects can then be introduced into the negotiation process itself.

The advantages enumerated in this discussion have been couched in terms of possibilities, not certainties. Site-based decision making can lead to greater employee control over workplace decision making or greater administrator control over the bargaining unit. Whether it leads to the former or the latter depends upon the cohesion and sophistication of the local Association, the history of labor relations, the specific actors involved, the true intent of the program, and the resources allocated for its implementation.

Site-based decision-making programs hold risks as well as rewards. In order to minimize the risks, it is important for any local that is considering implementing participative programs to be aware of their potential dangers. In the next section, we review some of the major pitfalls to be avoided.

The Pitfalls of Participation

The greatest dangers of site-based decision-making programs concern the security of the bargaining unit. There is a possibility that the decision-making program will emerge as a substitute for, rather than a supplement to the collective bargaining process. In this instance, the critical decisions affecting the bargaining unit are transferred to the labor-management forum, marginalizing the collective bargaining process.

While the Association will continue to exist as an independent entity, it will no longer have any real authority. In this situation, members will be increasingly likely to identify more strongly with school administrators than with their own organization. The administration will have enhanced its power at the expense of the Association.

Another possibility is that the Association facilitators in charge of the employee participation program will come to think like school administrators and fail to be advocates for their members' interests. The need for financial support from the administration, insufficient Association input into the program, and administration-dominated training are all factors that can contribute to the unholy conversion of Association facilitators.

In the event that facilitators assume administrators' point of view, the division widens between facilitators and grievance handlers, between those most closely involved with site-based decision-making programs and those most closely involved with traditional areas of union activity. This can create serious problems for the bargaining unit in the event that it seeks to establish consensus on difficult issues such as the introduction of new technology or job redesign.

While many employee participation programs have employee satisfaction as their *stated* intent, the *true* intent of the programs may be more traditional management goals. For example, school administrators may wish to secure support for unpleasant, cost-cutting measures. Others may be interested in teacher satisfaction only insofar as it relates to organizational performance. In the private sector, many employers implementing participatory programs assume that satisfaction and productivity are related in a direct, causal fashion (i.e., if you increase satisfaction, productivity automatically goes up). Research on employee participation programs does not support this, however. In a review of hundreds of programs, two researchers found that while under certain conditions increased job satisfaction will enhance productivity, there is no automatic, invariant relationship between the two (Katzell and Yankelovich, 1973).

This raises a number of questions. In school districts where employers are truly concerned with organizational performance and not employee satisfaction, will their support for the program wane if per-

formance doesn't improve? Will they be likely to support only those proposals that save them money or improve productivity and not those that are only concerned with their employees' comfort or happiness?

Critics of employee participation argue that it has been a means for employers to secure employee suggestions without granting employees additional compensation. In the private sector, employee suggestions have resulted in improved product quality, increased productivity, and, not infrequently, layoffs. Labor in this scenario is the senior partner in contributing ideas and resources and the junior partner in reaping rewards from organizational improvements. It is important that this scenario not be repeated with public education.

The final group of potential problems concern the structural limitations of employee participation programs. While viewed as a panacea for everything that ails an organization, employee participation programs often suffer from limited scope, limited resources, and limited diffusion throughout an organization. An imbalance is thus created between proponents' hopes for the program and what can legitimately be expected, given the program's limitations. Over time, the gap between excessively optimistic expectations and disappointing outcomes results in reduced support for the program. Participation in the program likewise declines. Resources, initially insufficient, become further reduced and the program dies a quiet death.

The problems pointed to in this section are possible, not inexorable, consequences of employee participation programs. They can be avoided if local Association leaders are cognizant of the dangers and if they take steps to prevent these potential dangers from becoming reality.

The discussion above underscores the importance of a local Association maintaining its strength and independence when employee participation programs are present. *Independence does not necessarily mean maintaining a hostile relationship.* It can also mean maintaining a strong and independent presence within the context of a cooperative labor-management relationship.

Ironically, assuming a hands-off approach toward an employee participation program can sometimes be more dangerous than getting involved in the program. If a school district succeeds in getting employees interested in site-based decision making and the union refuses to become involved, the employer will have effectively divided employees from their Association. The message we are presenting here is not to shun participative programs but to be smart about participating.

Participation in the Public Sector

Important differences exist in the public and private sector contexts of employee participation. These differences include both advantages and risks for public sector unions. Employee participation programs are intended to enhance the quality of government services. *They are thus concerned with the public, not the corporate good.*

In the private sector, the different interests of labor and management place union facilitators in employee participation programs in a difficult position. If they do not acknowledge the legitimacy of management's motives, they risk losing management's support for the program. If they accept management's motives, they risk alienating their members.

In the public sector, conditions for employee participation are more favorable than in the private sector. Concern with the quality of services competes with concern with the cost of services as a focal point of individual programs. As a result, program goals can be established that are more in consonance with employee motivations.

This statement is not equally true of all public services. Concern with the quality of service is more likely to be the most important issue in those programs in which output cannot be readily measured. Employee participation programs in public education are more likely to be directed toward the quality of service than are employee participation programs in sanitation, where productivity measures can be more easily applied to program results. Within education, employee participation programs concerned with support functions are more likely to be oriented toward paring expenditures and improving productivity than are employee participation programs concerned with instruction.

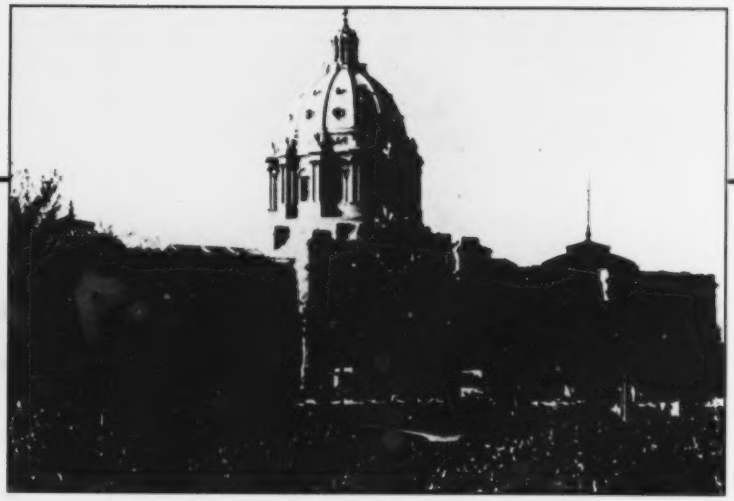
It is critical, therefore, that Association leaders accurately assess the bias of the program. If the true focus of the program is on the quality of a service, there is a strong possibility that the interests of the employees and the interests of management can be reconciled and a stable structure created. The measures taken to improve the quality of service not infrequently involve a positive change in the working conditions of employees.

On the other hand, if the true focus of the program is on reducing expenditures, Association representatives will need to be mindful of the potential problems raised in connection with private sector employee participation programs—job security and the possibility that the administration is using the program to secure employee consent for unpopular managerial decisions (i.e., making employees think like management).

Besides the legitimate interest in the quality of service inscribed in many public sector programs, they have an additional advantage over programs in the private sector. In the private sector, managers answer to company owners. In the public sector, managers answer to elected officials and, hence, are sensitive to public criticism of, or support for their programs and policies. Programs and policies that produce improvements in essential public services are likely to garner support for elected officials and their administrators. Conversely, programs and policies that lead to a deterioration in public services are likely to create public resentment and opposition.

To the extent that the Association can secure public support for its program objectives, it will have a source of leverage with school administrators that private sector unions do not have with their respective managements. This leverage can be used in both the context of collective bargaining and the context of the school site programs.

The structural advantages of employee participation programs in the public sector are muted by some significant disadvan-



tages. In the public sector, employee participation programs require substantial, sustained political support in order to ensure that they receive adequate levels of resources. Securing this support is no easy matter, however. Changing administrations, shifting tax bases, and competing program requirements combine to make sustained support unlikely in many instances. As a rule, the political cycle and the cycle of organizational change do not coincide. Participants in the change process face a fair amount of uncertainty and interruption in establishing new ways of communicating with each other.

Beyond political considerations, employee participation programs in the public sector are disadvantaged by public sector labor law. In many instances, public sector unions do not have agency or union shop recognition. With respect to teachers, for example, agency shop recognition is mandatory in only three states and permitted in only fourteen others. Union shop recognition is permitted in only one state.

When a local does not have agency or union shop recognition, it establishes its membership base and secures its operating revenues by the services it provides employees: negotiating contracts and handling grievances. To the extent that employee problems are dealt with outside regular Association channels, public sector unions will experience difficulty in attracting members. In extreme cases, union members themselves will question the necessity for a union. A description of a problem encountered in Pima County, Arizona, is contained below.

> *...over time a number of items (such as the liberalization of reimbursement criteria) were referred from the Meet and Confer to the QWL process and there resolved. The nonaffiliated committee members regarded the gains achieved by the LMQWLC [Labor-Management QWL Committee] as clear evidence that no union was needed in Pima County. Their ability to achieve substantial gains in a pleasant, cooperative atmosphere without paying union dues presented a striking contrast to AFSCME's history of achieving few gains in an unpleasant, adversary atmosphere at a cost to members of 1% of their monthly salary. At a LMQWLC retreat held on September 17, 1982, the nonaffiliated employees openly raised the question: What do we need a union for now that we have QWL? (Showalter and Vetman, 1983)*

This problem is no doubt exacerbated by the restrictive scope of bargaining found in most states. The latter has a tendency to force the resolution of problems in participative contexts outside of the formal negotiation process.

In the public sector, the security of the bargaining unit should be a paramount consideration in the design, implementation, and evaluation of employee participation programs. A local Association can cooperate with the administration in pursuing the goals of a decentralized or site-based decision-making program and still can continue to be an effective advocate for its members. However, if the local Association fails either to be an effective advocate for its members or to effectively communicate its advocacy efforts to its members—particularly with respect to employee participation programs—both members and nonaffiliated employees will most certainly question the need for a union.

The Legality of Employee Participation Programs

AP/Wide World Photos

In 1980, the U.S. Supreme Court held that faculty at Yeshiva University were managerial employees and as such were denied collective bargaining rights under the National Labor Relations Act. As the Court concluded:

...the faculty of Yeshiva University exercise authority which in any other context unquestionably would be managerial. Their authority in academic matters is absolute. They decide what courses will be offered, when they will be scheduled, and to whom they will be taught. They debate and determine teaching methods, grading policies, and matriculation standards. They effectively decide which students will be admitted, retained and graduated. On occasion their views have determined the size of the student body, the tuition to be charged, and the location of a school... it is difficult to imagine decisions more managerial than these (U.S. Dept. of Labor, 1986).

In excluding the faculty of Yeshiva University from coverage under the NLRA, the Supreme Court reversed a 1975 NLRB decision. Earlier, the board had held that professional employees engaged in predominantly intellectual work who were required to exercise independent professional judgment were protected from supervisory status under the NLRA. In addition, it held the definition of a supervisor exempted "collective membership" in the form of advisory bodies from supervisory or managerial status (Iorio, 1987).

The Court's decision sent shock waves not only throughout the higher education community, where organizing has been sharply affected, but also throughout the unionized workforce. The question raised in this connection is whether substantial involvement in workplace decision making forces employees to give up their right to bargain collectively. It is not within the scope or authority of this publication to resolve this issue. We can, however, present the basic considerations surrounding the issue to encourage further discussion, debate, and strategizing.

Perhaps the most salient aspect of the Yeshiva University decision is the contro-

versy surrounding it. The decision has come under sharp attack from the nation's leading labor relations scholars and legal experts. As Harvard's John Dunlop pointedly noted at a conference marking the NLRA's fiftieth anniversary:

...take the Yeshiva doctrine that some faculties are so arranged that every tenured faculty member so participates in some decisions of management that collective bargaining should be denied to all. The Supreme Court defined managerial employees as those who "formulate and effectuate management policies by expressing and making operative the decisions of their employer by taking or recommending discretionary actions that effectively control or implement employer policy." Gobbledygook. Such phrasing needs to confront the tests of reality with real persons in real time. The transfer to the academic or to the medical care worlds of the industrial plant model of supervision of hiring, promotion, and discharge yields results that defy practical experience *(Dunlop, 1985) (emphasis added).*

Dunlop's comments are given support by Eliot Freidson in his work, *Professional Powers.* Freidson notes that the technical autonomy of professional work creates ambiguity in professionals' positions within the firm. Because of the discretionary nature of their work, professionals are virtually required to perform many of the tasks that in an industrial setting are performed exclusively by managers. As a result, managers and supervisors in professional settings are precluded from performing the same tasks that they perform in industry (Freidson, 1986).

James Begin and Barbara Lee, professors of labor relations at Rutgers University, feel strongly that the Yeshiva decision is unduly harsh with respect to professionals:

...the law [the current interpretation of the NLRA] undervalues the right of professionals to bargain over their employment interests, and it overvalues the nonproduction decision-making activities of these employees by assuming a conflict of interest between bargaining and participation in organizational decision making (Begin and Lee, 1987).

The comments above can be viewed as evidence of a growing movement to deal legislatively with the obstacles to labor-management cooperation created by the *Yeshiva* decision. Curiously, the exact parameters of the *Yeshiva* decision remain indeterminate, even though almost seven years have elapsed since it was handed down. NLRB and circuit court decisions are inconsistent and irreconcilable (Rabban, 1987). In 1984, in *Loretto Heights College v. NLRB,* the U.S. Tenth Circuit Court of Appeals held that even though faculty members helped to formulate and effectuate management policy, their role did not rise to a level of "effective recommendation or control." As a result, they were not considered managerial employees and were therefore entitled to collective bargaining rights under the NLRA (U.S. Dept. of Labor, 1986).

The Supreme Court decision could play a significant role in the interpretation of state bargaining statutes (Jascourt, 1987). On the other hand, while a number of state statutes are modeled after the NLRA, suggesting the transfer of the *Yeshiva* decision to the public sector, some public sector statutes explicitly set out what is not bargainable as well as what is bargainable. Since state statutes delineate the area of "management rights," the kind of situation that led to the *Yeshiva* decision is less likely (although not impossible) (Margolies, 1987).

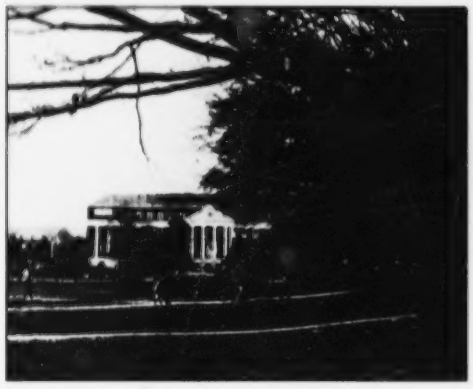
The *Yeshiva University* decision has been invoked by management in five public sector cases in the United States in order to

deny bargaining rights to professional employees. Four of the five cases concerned higher education faculty (at Wichita State University, the University of Alaska, Southern Oregon State College, and the University of Pittsburgh). The remaining case involved doctors at D.C. General Hospital. In only one of the five cases (the University of Pittsburgh) has the *Yeshiva* decision been found applicable. A hearing examiner of the Pennsylvania Labor Relations Board found that 1,600 University of Pittsburgh professors are managers. The professors' organization, the United Faculty, is planning to appeal the hearing examiner's decision. It is important to note that the only public sector case in which the *Yeshiva* decision has been found applicable concerns higher education faculty. With minor exceptions, unfavorable private sector determinations have invariably related to higher education faculty and have had as their basis the wide latitude in policy questions given to faculty in the college or university governance process.

At the minimum, when the *Yeshiva* decision is applied elsewhere in the public sector, it *will have widely varying limits of applicability* with respect to individual states and individual groups. In the shuffle, public school teachers are in good shape to withstand legal challenges. To quote George Margolies, legal counsel to the superintendent of the D.C. public schools:

School boards need not abdicate responsibility vested in them by statute and regulations in order for teachers to have an increasing voice in shaping new programs and policies at the local school level. Unlike the governance structure of Yeshiva University, elected boards of education would not be ceding final authority for making policy judgments (Margolies, 1987).

Finally, when an organization seeks to legally exclude employees from bargaining with it, one would have to conclude that a hostile relationship exists between a union and an employer. The reality is that this is the rare exception rather than the rule. Despite the enormous number of programs that exist in the private sector, only a very small number of cases have actually been brought to the NLRB. Additionally, even though unions are within their rights to claim that a participative program constitutes employer domination of a labor union, very few actually have. When employers and employees have a program that has improved their relationship and improved their effectiveness, it is absurd to think that either party will seek to destroy the relationship by seeking hostile, legal remedies.



Some Conditions Are Better than Others

Some conditions are more likely than others to engender a successful employee participation program. Here we present a series of issues for local Associations to address with respect to whether they should become involved in a site-based decision-making program.

First, site-based decision-making programs make a great deal of sense when there are significant internal or external pressures for change in the Association's relationship with the administration (Kochan, Katz, and Mower, 1985). Examples of internal pressures include member demands for improvement in the quality of work life, increased interaction with their colleagues, or the need for more effective communication with administrators. Examples of external pressures include educational reform initiatives and radical shifts in either district revenue or the local demand for services. In many cases, such pressures are difficult to accommodate within the context of an existing collective bargaining relationship.

Second, site-based decision-making programs have a much better chance of success if the administration's principal motivation for participating in a site-based program is to improve school effectiveness as opposed to reducing operating costs. If the administration's principal desire is to reduce costs, the Association must obtain adequate job security guarantees to protect members against any reductions-in-force

that could arise from member suggestions. In the event that job security guarantees cannot be obtained, the program could pose a threat to the membership base of the local Association.

Third, site-based decision-making programs stand a much better chance of succeeding when the Association is a full partner in the program. Do not allow management to design, implement, and evaluate the program without Association input. This poses too great a threat to the security of the bargaining unit to warrant the benefits such a program might have for the Association.

Fourth, the program must be ensured adequate support. If possible, funding should be guaranteed for at least five years in order to come to terms with the discrepancy between the political cycle and the cycle of organizational change. In implementing a site-based decision-making program, an Association is initiating cultural change within a school building or school district. Changing the customs and practices of an organization takes a great deal of time and sustained support.

Guidelines for Local Associations

If your local Association is involved with site-based decision making, we suggest that you consider the following items: First, participation in site-based decision-making programs should be voluntary. Mandatory participation could possibly engender hostility toward the program and thus subvert its aims.

Second, successful programs require the support of both the leadership of the local Association and the district administration. To facilitate program implementation at the building level, it is important that the Association leadership and the district administration come to agree on the program's basic goals and processes as well as the level of resources required to support program activities.

Third, if a program involves faculty representation as opposed to direct faculty participation, it is advisable that Association representatives on building committees be elected rather than appointed. As Neal Herrick, a leading authority on public sector employee participation programs, comments:

The general principle to keep in mind is this: in order to integrate the interests of the various groups in the workplace, representatives must serve at the pleasure of their constituencies. A sanitation worker, for example, cannot be expected to represent the interests of other sanitation workers simply because they share the same position classification. If appointed by the president, the worker will serve the union president's interests (Herrick, 1983).

Fourth, the relationship between collective bargaining items and the issues dealt with at the school site should be clearly defined. It is generally not advisable to permit collective bargaining items to be introduced in the site-based decision-making program.

Fifth, because even in the best of circumstances conflict may arise between the master contract and proposals emanating from the school site, review and redress procedures should be implemented at the program's outset.

Sixth, programs need to be evaluated at regular intervals by the local Association. Both the effectiveness of the program's structure in meeting program objectives and the early detection of structural problems should be examined on a regular basis.

Seventh, members should be educated about the possible dangers labor-management programs pose for the health of the local. In addition, the local leadership should make it a point to communicate regularly with the membership regarding program gains and problems.

Eighth, the local Association should take an active role in the development of training materials and in training participants. In the private sector, many participative programs have gone awry because of the lack of union involvement in this phase of development.

Summary Implications for Local Associations

- Seek the benefits of participation when conditions merit it.
- Maintain awareness of the problems that could arise in connection with employee participation programs.
- Make sure your members want to become involved. Don't force an employee participation program on them. Let the program flow from their needs and interests.
- Maintain your independence. Advocacy is no less important in the participative context than it is in collective bargaining.
- Establish a clear relationship between collective bargaining and the site-based decision-making program. Site-based decision making must supplement, not supplant collective bargaining.
- Determine management's real motivation for being interested in participation. If it is legitimate, support the program. If it is not, educate your members about the problems as you see them. They won't go away by themselves.
- If you decide to become involved, get involved on the ground floor in determining the program's structure and developing training materials.
- Evaluate programs at regular intervals to see if problems are developing. Mid-course corrections may be necessary in a program's scope, goals, and structure.
- Establish reasonable expectations for the program. Change takes time and adequate resources.
- Make sure the program has adequate support.

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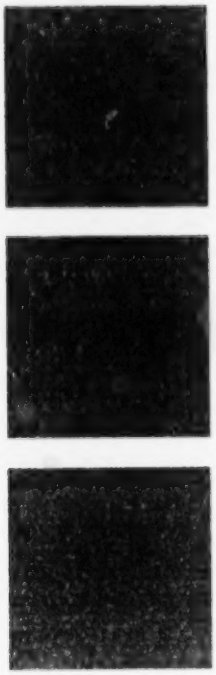

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